IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 10TH JULY 2007 / 19TH ASHADHA 1929

CRL.A.No. 64 of 2000(A)

ST.478/1994 of ADDL. CHIEF JUDICIAL MAGISTRATE COURT, TRIVANDRUM
.....

APPELLANT: COMPLAINANT

VENUGOPAL , S/O.BHASLARA PILLAI
DWARAKA, PRIYADRSHINI JUNCTION
PRASANTH NAGAR, THIRUVANANTHAPURAM.

BY ADV. SRI.B.KRISHNA MANI
SRI.V.PREMCHAND

RESPONDENTS: ACCUSED
----

1. **RAJEEVAN, S/O.BALAKRISHNAN NAIR,**
   KALLARATHAL VEEDU, VENGANOOR
   KOTTUKAL VILLAGE, THIRUVANANTHAPURAM.

2. **STATE OF KERALA, REP.BY**
   PUBLIC PROSECUTOR , HIGH COURT OF KERALA,
   ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 10/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R. UDAYABHANU, J.

CRL.A.NO. 64 OF 2000

DATED THIS THE 10th July 2007

JUDGMENT

The appellant is the complainant in the proceedings initiated under Section 138 of the Negotiable Instruments Act, which happened to be dismissed and the accused is acquitted on the basis of the decision reported in **Raj v. Rajan (1997(1)K.L.T.302** on the ground that the notice sent included claim for inerest as well. The above decision is no longer good law in view of the decision of the Division Bench of this Court in **Kunjan Panicker v. Christudas, 1997(2) K.L.T.539**. In the circumstances, the order of the court below is set aside and the matter is remitted back to the court below for fresh consideration and for disposal on merits. The parties shall appear before the court below on 9-8-2007.

K.R.UDAYABHANU, JUDGE

ks.

K.R.UDAYABHANU, J

CRL.A. NO. 64 OF 2000

JUDGMENT

10-7-2007